



**REQUEST FOR COURT ACTION / DIRECTION**

TO: Honorable Lewis A. Kaplan OFFENSE: Theft of Public Funds In Violation of 18  
U.S. District Judge USC 641, a Class C Felony

ORIGINAL SENTENCE: Time Served, Two (2)  
years Supervised Release

FROM: Elisha Rivera SPEC. CONDITIONS: Special Assesment \$100;  
Sr. U.S. Probation Officer Restitution \$26,000; Financial Disclosure; Four (4)  
months Home Confinement; No New Lines of  
Credit.

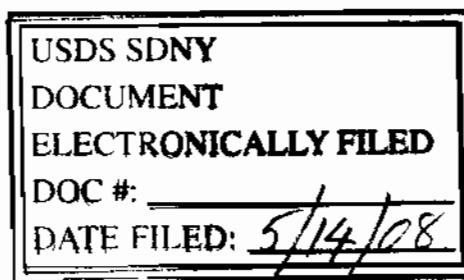
RE: Dwayne Mayes AUSA: Randall Wade Jackson  
Docket # 1: 07 CR 488-01  
(LAK)

DATE OF SENTENCE: January 25, 2008

DATE: May 12, 2008

ATTACHMENTS: PSI X JUDGMENT X

REQUEST FOR: COURT DIRECTION X



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**REQUEST FOR COURT DIRECTION**

The releasee was sentenced by Your Honor as indicated above. He is presently employed as an Employment Support Services Director for the City University of New York at Lehman College located at 230 West 41<sup>st</sup> Street, New York, NY 10036. His employment has been verified with regular submission of pay stubs. His responsibilities in this capacity include providing benefits counseling to college students and Bronx residents, work incentive support, designing and teaching a Social Security Income Benefits Workshop, and developing partnerships with related public agencies and supporting Social Security Administration Field Offices to implement Youth Transition Demonstration Project Waivers. He advises individuals how to maintain eligibility for benefits while working, and how to manage Federal benefits. He has been employed here for four years and his employers are unaware of his involvement in the instant offense.

Name of Offender: Dwayne Mayes

Docket Number 1: 07 CR 488-01 (LAK)

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The releasee's conduct in the instant offense involved failing to disclose his income from this employment to the NYC Housing Authority during Section 8 re-certification. He only disclosed benefits received from the Social Security Administration, which he was also receiving at the time. His sentence includes restitution payable to NYCHA. In addition, his credit report reflects that he presently owes \$43,391 to the Social Security Administration which is in collection.

### **SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS**

On February 22, 2008, supervision commenced in the Southern District of New York. Mayes, age 45, has served approximately two (2) months of his two (2) year term of supervised release. He presently resides with his 15 year old daughter at 2111 Southern Blvd, Apt 28B, Bronx, NY 10460. As mentioned above, he is employed as an Employment Support Services Director at CUNY Lehman College located at 230 West 41<sup>st</sup> Street, New York, NY 10036.

Mayes has satisfied his Special assessment fee of \$100 on March 18, 2008. He has paid a total of \$300 towards the restitution. He has not complied with the payment schedule set forth by the Court as he has stated that he is struggling financially. He commenced the term of home confinement on April 22, 2008.


### **RECOMMENDATION**

Based upon his involvement in the instant offense and a review of his financial records, the Probation Department is concerned that this employment may constitute a Third Party Risk and the releasee should make notification to his present employer, Research Foundation of CUNY, with verification of notification submitted to this office. The U.S. Attorney's Office takes no position in this matter. The Probation Department is respectfully requesting that the Court review this matter to determine whether or not there is a Third Party Risk Issue and if notification should be required.

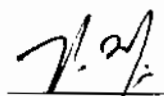
Respectfully submitted,

Chris J. Stanton  
Chief, U.S. Probation Officer

By:

  
Elisha Rivera  
Sr. U.S. Probation Officer  
212-805-5114

Approved By:

  
Peter A. Merrigan  
Supervising U.S. Probation Officer

Date:

3/13/01



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION OFFICE**

*Judicial Response*

**THE COURT ORDERS:**

☒ **Present employment constitutes a Third Party Risk and the releasee shall make notification of this risk and shall submit verification of such notification requirement.**

☐ **No Action**

☐ **Other :** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A handwritten signature in black ink, appearing to read "L. M. G.", written over a horizontal line.

Signature of Judicial Officer

Date: **5/13/08**